

Andy Young

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Re: SB 743 Guidelines Discussion Draft and Proposed Updates to CEQA Guidelines

Dear Mr. Calfee,

As a multimodal bicyclist/transit commuter in the East Bay area of the San Francisco region, a CEQA practitioner, and urban planner, I am fascinated with and enthralled by the progress towards the use of CEQA to achieve the various goals of recent legislation, specifically to reduce GHG emissions, increase use of transit, and enhance land use planning in a way that reduces Californians' time spent in traffic. I appreciate you and your team's dedication to revising the CEQA Guidelines to meet both the specific requirements and general intent of SB 743.

I have become an amateur transportation planner in the course of my profession, having read and literally translated dozens of transportation analyses for the public to comprehend in CEQA documents. I myself have prepared basic analyses for small land use projects using standard practices – and relied on the conventional LOS standards that characterize delay.

It is most probable that I need to study the issue still more, but I am somehow not persuaded that abandoning LOS standards on a statewide basis, or even within the peripheries of large metropolitan regions or low-density areas is advisable, and my reading of SB 743 appears to give latitude to local agencies to retain the use of LOS standards, even if only for non-CEQA purposes. More importantly, I believe the legislation, or the way I understand it is proposed to be implemented, is flawed in that it attempts to provide mitigation (reduce VMT, reduce GHGs, enhance communities) by turning a blind eye to traffic congestion by the use of LOS standards, which I believe remain the best measure of the human experience in conventional automobile travel.

I recognize that OPR is mandated by the adopted legislation to disallow any degree of automobile congestion or delay to be recognized as a significant impact. Unfortunately, substituting LOS-based analyses, which can focus on local issues down to the intersection, with VMT-based analyses, which seem limited to a regional or sub-regional scale, appears to be akin to estimating water quality at the tap by quantifying water usage in a given county. Possibly more to the point, my reading and understanding of CEQA's intent is to provide Californians with a quality environment, improved welfare, and a suitable living environment; 'social' environmental qualities appear to be quite prominent in the opening lines of CEQA. The legislation appears to fail to recognize, as I must do on my bicycle, that there is a person worthy of some respect operating each vehicle.

Let me be clear, of course, that I abhor the severe dependence Californians have on their automobiles and their determination to drive alone without regard to GHGs, global warming, climate change, PM-10, ozone inversions, increased asthma, *congested freeways and arterials, parking shortages*, acres of shopping mall parking, big box retail 'lifestyle centers', parking lots that reduce whole districts to blight, and every other ill effect of that dependence. And the essence of CEQA, for which Californians should be immensely proud, is not solely to protect the environment and resources for our enjoyment and consumption, but for some intangible qualities as well. We take extraordinary measures to protect our natural resources and biodiversity.

So it is very frustrating to me to see legislation which appears to be focused on how we see and measure the effects of that dependence, rather than on providing Californians with actual alternatives to that reliance on the private automobile. The greatest need in state legislation is to provide better alternatives to the current choices. However, for the task at hand, the foregoing must be considered only as preface and general commentary.

More specifically, I believe that OPR is greatly exceeding the actual objectives and parameters established by the SB 743. Its Digest, item (2), second paragraph, describes the bill as affecting how aesthetic and parking impacts of infill sites (my emphasis) may not be characterized as significant impacts, *and* authorizing OPR to adopt new criteria for identifying the "significance of transportation impacts of projects within transit priority areas." (emphasis added). It appears that the intent is to provide better means of assessing, by consideration of VMT, those types of projects in our metropolitan areas that Californians *need* to help achieve reductions in overall regional VMT, lower CO and other GHG emissions, and more functional urban districts through more diverse land uses. This could also be stated as intending to avoid the 'penalties' that conventional LOS-based traffic analyses have on desirable infill or mixed use projects.

Section (3) of the Digest reiterates the emphasis on "infill opportunity zones " as these kinds of desirable projects, and for which "alternate level of service standards [are] to be applied." In summary, SB 743, including the use of VMT-based traffic modeling, should be recognized as a means of promoting and evaluating development in our denser metropolitan cores, but should *not* be represented as a means of hobbling the most effective means of evaluating development in the suburban, exurban and rural peripheries of our metropolitan regions. Public agencies still need ways to recognize the adverse traffic impacts of suburban and exurban projects. Adding the component of VMT to a traffic analysis for non-TPAs/IOZs may be helpful and informative, but subtracting LOS criteria may harm an agency's ability to impose appropriate mitigation measures and strategies. It would be far more helpful if the state legislature had adopted laws that prevent adding capacity for private automobiles except under extraordinary circumstances,

or for transit and land use incentives that could truly disadvantage sprawl, monotonous development and provide better choices for Californians. (but I digress, admittedly).

The following portions of SB 743 appears to be the foundation for OPR's proposed changes (*emphases added*):

SEC. 1. (a) (2) Transportation analyses...typically study changes in automobile delay. New methodologies under the California Environmental Quality Act are needed for evaluating transportation impacts that are better able to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations.

Comment: This enactment can be served by proactively improving methods of analyses that do not penalize desirable development (e.g., use of VMT criteria), *and* by maintaining established methodologies *when those serve to identify effective mitigation*.

21099. (b) (1) The Office of Planning and Research shall prepare...revisions to the guidelines adopted pursuant to Section 21083 establishing criteria for determining the significance of transportation impacts of projects within *transit priority areas*.

21099. (c) (1) The Office of Planning and Research *may* adopt guidelines pursuant to Section 21083 establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. The alternative metrics *may include the retention of traffic levels of service*, where appropriate and as determined by the office.

Comment: The emphases above are, respectively, on transit priority areas, and the *opportunity* for OPR to establish alternative metrics *outside* TPAs, and *allowing* OPR to retain LOS criteria as a tool "where appropriate". I contend that retaining LOS criteria and established methods, with the introduction or supplemental information of VMT methodology as a *complement* to the use of LOS criteria, in suburban, low density, rural, agricultural, and principally industrial zones, will provide public and lead agencies with the tools needed to impose mitigation measures that more practically address VMT, GHGs and the promotion of TPAs and IOZs.

I believe I correctly understood the fundamental argument you provided in the August 6 webinar presentation for why LOS is problematic for infill development, in that it penalizes desirable types of development, so I have no issue with substituting LOS criteria or standards with VMT methodologies for TPAs and IOZs or other substantially urbanized, *well*-transit-served areas.

Therefore I urge OPR to focus its initiation of VMT-based traffic analyses on Transit Priority Areas, Infill Opportunity Zones, and not apply it on a state-wide basis. At a minimum, a trial

period of one to two years (2015 through 2016) to observe and evaluate implementation and application of VMT-based evaluative methodologies in a variety of jurisdictions in the state should be observed. I believe the specific requirements of SB 743 can and would be served by such a trial period.

Finally, some specific changes I would propose to the proposed Guidelines are provided on the attached Exhibit A, to enable the use of *locally-defined* VMT, whenever it is available.

Lastly, I would endorse the analysis provided by the California members of the Institute of Transportation Engineers (ITE), the letters provided by the California League of Cities and the Alameda County Transportation Commission.

Please do not hesitate to contact me by e-mail if you have any questions regarding my comments.

Sincerely, and appreciatively,

Andy Young
Resident of Oakland, California

EXHIBIT A – Recommended Revisions to Proposed CEQA Guidelines Text

Proposed New Section 15064.3. Determining the Significance of Transportation Impacts; Alternatives and Mitigation Measures

(a) Purpose.

When analyzing a project's potential environmental impacts related to transportation, primary considerations include the amount, duration and distance of automobile travel associated with the project. Other relevant considerations include the effects of the project on transit and non-motorized travel and the safety of all travelers. Indirect effects of project-related transportation, such as impacts to air quality and noise, may also be relevant, but may be analyzed together with stationary sources in other portions of the environmental document. A project's effect on automobile delay does not constitute a significant environmental impact.

(b) Criteria for Analyzing Transportation Impacts.

Section 15064 contains general rules governing the analysis, and the determination of significance, of environmental effects. Specific considerations involving transportation impacts are described in this section. For the purposes of this section, "vehicle miles traveled" refers to distance of automobile travel associated with a project.

(1) Vehicle Miles Traveled and Land Use Projects. Generally, transportation impacts of a project can be best measured using vehicle miles traveled. A development project that is not exempt and that results in vehicle miles traveled greater than the regional or locally-defined average for the land use type (e.g. residential, employment, commercial) may indicate a significant impact. For the purposes of this subdivision, regional and locally-defined averages should be measured per capita, per employee, per trip, per person-trip or other appropriate measure. Also for the purposes of this subdivision, regional average refers to data provided by the metropolitan planning organization or regional transportation planning agency within which the project is located; locally-defined averages, if available, shall refer to data applicable to an incorporated city, place or individual county. Development projects that locate within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor generally may be considered to have a less than significant transportation impact. Similarly, development projects, that result in net decreases in vehicle miles traveled, compared to existing conditions, may be considered to have a less than significant transportation impact. Land use plans that are either consistent with a sustainable communities strategy, or that achieve at least an equivalent reduction in vehicle miles traveled as projected to result from implementation of a sustainable communities strategy, generally may be considered to have a less than significant impact.

(4) Methodology. The lead agency's evaluation of the vehicle miles traveled associated with a project is subject to a rule of reason; however, a lead agency generally should not confine its evaluation to its own political boundary. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any

revisions to model outputs should be documented and explained in the environmental document prepared for the project.

(c) Alternatives and Mitigation.

Examples of mitigation measures and alternatives that may reduce vehicle miles travelled are included in Appendix F. Neither this section nor Appendix F limits the exercise of any public agency's discretion provided by other laws, including, but not limited to, the authority of cities and counties to condition project approvals pursuant to general plans and zoning codes. Previously adopted measures to mitigate congestion impacts may continue to be enforced, or modified, at the discretion of the lead agency.

(d) Applicability.

The provisions of this section shall apply prospectively as described in section 15007. Upon filing of this section with the Secretary of State, this section shall apply to the analysis of projects located within one-half mile of major transit stops or high quality transit corridors. Outside of those areas, a lead agency may elect to be governed by the provisions of this section provided that it updates its own procedures pursuant to section 15022 to conform to the provisions of this section. After January 1, 2016, the provisions of this section shall apply statewide.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Sections 21099 and 21100, Public Resources Code; California Clean Energy Committee v. City of Woodland (2014) 225 Cal. App. 4th 173.

XVI. TRANSPORTATION/~~TRAFFIC~~ -- Would the project:

a) ~~Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths? taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?~~

b) Cause vehicle miles traveled (per capita, per service population, or other appropriate measure) that exceeds the regionally- or locally-defined average for that land use? ~~Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?~~

[no other changes]